

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

This Document Relates To:

THE COMMERCIAL AND
INSTITUTIONAL PURCHASER
PLAINTIFF ACTION

Case No. 18-cv-1776 (JRT/HB)

**Declaration of Shawn M. Raiter in
Support of Motion for Preliminary
Approval of Class Action Settlement
Between the Commercial and
Institutional Indirect Purchaser
Plaintiffs and Smithfield Foods, Inc.**

I, Shawn M. Raiter, state under oath, as follows:

1. I am an attorney and partner at Larson · King, LLP. The Court previously appointed me and Jonathan Cuneo as Interim Co-Lead Counsel for the Commercial and Institutional Indirect Purchaser Plaintiffs (“CIIPPs”) in this litigation. (Dkt. 150). I have full knowledge of the matters stated herein and could and would testify thereto.

2. The CIIPPs seek preliminary approval of a settlement with Defendant Smithfield Foods, Inc. (“Smithfield”). This second settlement for the CIIPPs – negotiated at arm’s length – provides \$42,000,000.00 in settlement money. CIIPPs and Smithfield reached a settlement following lengthy settlement negotiations between experienced counsel. The settlement provides substantial monetary and non-monetary relief to the CIIPP class members that will be valuable in the CIIPPs’ pursuit of their claims against the non-settling Defendants.

3. Counsel for Smithfield and Interim Co-Lead Counsel for CIIPPs discussed and communicated about a potential settlement over the course of months. The parties communicated numerous times to discuss settlement terms and to exchange settlement proposals. They reached an agreement on material terms and then negotiated a full settlement agreement. The parties signed the settlement agreement on March 19, 2022.

4. Since filing their first complaint, the CIIPPs have coordinated with the other plaintiff groups to pursue discovery and advance this litigation. The CIIPPs used materials produced in discovery, including documents that Agri Stats provided to the Department of Justice, to draft the CIIPPs’ Fourth Consolidated and Amended Class Action Complaint

(Dkt. 808). Working with counsel representing the other plaintiff classes, the CIIPPs have collected and analyzed data, hundreds of thousands of documents, and other information relevant to the Defendants and the pork market. CIIPP counsel have prepared for and participated in numerous depositions. CIIPPs have also participated in the discovery process by producing thousands of documents in this litigation. CIIPPs have sought and received third party structured data productions, including as the result of motion practice.

5. This settlement was reached following receipt of substantial information from the Defendants and other sources. Other documents and information have been produced in the litigation and were used by CIIPPs to inform them in their negotiations with Smithfield.

6. Interim Co-Lead Counsel for the CIIPPs believe this proposed settlement provides substantial monetary and non-monetary value to the CIIPPs and is a reasonable resolution of the claims asserted against Smithfield. The named representative CIIPPs have fulfilled their duties as class representatives by actively participating in the litigation. These representatives will continue to remain apprised of the status of the litigation and will stay involved to seek additional recoveries for similarly situated businesses and individuals.

7. Attached hereto as Exhibit A is a true and correct copy of the Long-Form Settlement Agreement Between Commercial and Institutional Indirect Purchaser Plaintiffs and Smithfield Foods, Inc, dated March 19, 2022.

8. With the Court's approval CIIPPs will, in a separate motion, seek the Court's approval of a plan to provide notice to members of the settlement class.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 8, 2022

s/Shawn M. Raiter

Shawn M. Raiter #240424